

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DON ASCARE,

Plaintiff,

vs.

**MASTERCARD INTERNATIONAL
INCORPORATED, d/b/a MasterCard
Worldwide**

Defendant.

Case No.: 4:10-cv-01979

**Removal from the Circuit Court of
St. Charles County, Missouri, No.
1011-CV08780**

MOTION TO FILE DOCUMENTS UNDER SEAL

COMES NOW the Defendant, MasterCard International Incorporated, by and through its attorneys, and hereby moves this Court to enter an Order sealing Plaintiff's Petition, CM/ECF Docket Nos. 1-1 and 6, filed on October 20, 2010 in connection Defendant's Notice of Removal. The relief requested in this Motion is narrowly tailored and supported by the following:

1. Defendant respectfully requests the Court to seal Plaintiff's Petition (CM/ECF Docket Nos. 1-1 and 6), originally filed in the Circuit Court of St. Charles, Missouri on September 9, 2010 and filed with this Court on October 20, 2010 in connection with Defendant's Notice of Removal. The Petition was filed as Exhibit A (Doc. No. 1-1) to Defendant's Notice of Removal and was later entered as a separate docket entry by the Court (Doc. No. 6).

2. Prior to the commencement of this lawsuit, Plaintiff was employed as the Senior Vice President of Human Resources by Defendant and, as such, regularly dealt with privileged

and confidential information during the course of his employment, which involved communicating with Defendant's in-house legal counsel regarding legal compliance.

3. In Paragraphs 9 through 13 of Plaintiff's Petition, Plaintiff alleges he prepared a memorandum regarding the legal classification of leased employees and describes transmitting the aforementioned memorandum to MasterCard's in-house legal counsel.

4. Plaintiff's communications with Defendant's in-house legal counsel are confidential and protected by the attorney-client privilege.

5. The protection of Defendant's attorney-client privileged communications is a legally protected interest which outweighs the public interest in disclosure of records.

For the foregoing reasons, Defendant respectfully requests the Court to enter an order sealing CM/ECF Docket Nos. 1-1 and 6.

Respectfully submitted,

THE LOWENBAUM PARTNERSHIP, L.L.C.

/s/ Whitney D. Pile

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Attorneys for the Defendant
MasterCard International Incorporated
d/b/a MasterCard Worldwide

Dated: October 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have on October 21 2010, served a true and correct copy of the foregoing via electronic filing upon the following:

S. Todd Hamby, Esq.
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/s/ Whitney D. Pile